

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION

4 UNITED STATES OF AMERICA,

5 Government,

DOCKET NO. 2:16-cr-21

6 vs.

7 DAVID KEL BALDWIN,

8 Defendant.

9 /

10  
11 TRANSCRIPT OF ARRAIGNMENT AND DETENTION HEARING  
12 BEFORE UNITED STATES MAGISTRATE JUDGE TIMOTHY P. GREELEY  
13 MARQUETTE, MICHIGAN  
14 September 15, 2016

15  
16 Court Reporter: Glenda Trexler  
17 Official Court Reporter  
18 United States District Court  
19 685 Federal Building  
20 110 Michigan Street, N.W.  
21 Grand Rapids, Michigan 49503

22 Proceedings reported by audio recording, transcript produced by  
23 computer-aided transcription.  
24  
25

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11

12 \* \* \* \* \*

13 Marquette, Michigan

14 September 15, 2016

15 1:57 p.m.

16 P R O C E E D I N G S

17 *THE COURT:* Good afternoon. I would ask counsel to  
18 place their appearance on the record, please.

19 *MR. LOCHNER:* Good afternoon, Your Honor,  
20 Assistant U.S. Attorney Paul Lochner on behalf of the  
21 United States.

22 *MR. NUMINEN:* Your Honor, Karl Numinen for the  
23 defendant who is with me today at counsel table.

24 *THE COURT:* I have this matter set for arraignment on  
25 the Indictment that was filed on September 14th as well as a

1 detention hearing. It's my intention to proceed with the  
2 arraignment first. Any objection?

3 *MR. LOCHNER:* No, Your Honor.

4 *MR. NUMINEN:* No objection.

5 *THE COURT:* All right. I would ask defendant and  
6 counsel to approach the podium, please.

7 Mr. Baldwin, you have the right to remain silent.  
8 You don't have to answer any questions put to you here in court  
9 today or any questions put to you by law enforcement officials.  
10 Any answers you give to such questions could be used against  
11 you in this proceeding or in a prosecution for false statement  
12 or perjury.

13 Do you understand that you have the right to remain  
14 silent?

15 *THE DEFENDANT:* Yes.

16 *THE COURT:* During the course of this arraignment  
17 I'll be explaining to you the charges against you, some of the  
18 rights you possess, and you will be required to enter a plea.  
19 Because I need to ask you some questions, I will have you  
20 placed under oath at this time.

21 *THE CLERK:* Raise your right hand, please.

22 DAVID KEL BALDWIN

23 *(The oath was administered)*

24 *THE DEFENDANT:* I do.

25 *THE COURT:* Do you have any difficulty reading,

1 writing, or understanding English?

2 *THE DEFENDANT:* No.

3 *THE COURT:* Are you suffering from any physical or  
4 mental problems today that would affect your ability to  
5 understand what's occurring here in court?

6 *THE DEFENDANT:* No.

7 *THE COURT:* Have you taken any medications, drugs, or  
8 alcohol that would affect your ability to understand what's  
9 occurring here in court?

10 *THE DEFENDANT:* No.

11 *THE COURT:* You have the right to be represented by  
12 an attorney throughout these proceedings. That means any time  
13 you come into court or any time you're questioned by law  
14 enforcement officials, you have the right to have your attorney  
15 present.

16 Do you understand that?

17 *THE DEFENDANT:* Yes.

18 *THE COURT:* You may hire your own attorney, or if  
19 you're unable to afford one, the Court will appoint one to  
20 represent you.

21 Do you understand that?

22 *THE DEFENDANT:* Yes.

23 *THE COURT:* You've got to speak up just a little bit.

24 *THE DEFENDANT:* Yes.

25 *THE COURT:* Maybe you can pull the mic, Mr. Numinen.

1       There you go. Thank you.

2               Would you state your full name, please, and spell  
3 your last name.

4               *THE DEFENDANT:* David Kel Baldwin, Jr.,  
5 B-A-L-D-W-I-N.

6               *THE COURT:* Is Kel spelled K-E-L?

7               *THE DEFENDANT:* Yes.

8               *THE COURT:* All right, thank you. Have you received  
9 a copy of the Indictment that was filed in this matter  
10 yesterday?

11              *THE DEFENDANT:* Yes. Yes.

12              *THE COURT:* And have you had an opportunity to review  
13 that with your attorney?

14              *THE DEFENDANT:* It's the same thing that we reviewed  
15 with Ms. Matthew? Yes.

16              *THE COURT:* I can have that read into the record, or  
17 you can waive the reading of the Indictment.

18              *MR. NUMINEN:* My client waives the reading,  
19 Your Honor.

20              *THE COURT:* All right. Count 1 charges you with  
21 assault resulting in substantial bodily injury in violation of  
22 18 U.S.C. § 113(a)(7), (b)(1), and (3), and 2266(7), 1151, and  
23 1153. That carries a maximum penalty of five years in prison  
24 and/or a \$250,000 fine, a period of supervised release of up to  
25 three years, a period of probation of between one and

1 five years, and a mandatory special assessment of \$100. And  
2 restitution will be mandatory, meaning you would have to pay  
3 back for any injuries suffered by the alleged victim.

4 Do you understand the offense with which you're  
5 charged in Count 1 and the maximum penalty provided by law for  
6 that offense?

7 *THE DEFENDANT:* Yes.

8 *THE COURT:* In Count 2 you are charged with assault  
9 resulting in serious bodily injury in violation of  
10 18 U.S.C. § 113(a)(6), (b)(2), 1151, and 1153, that carries a  
11 maximum penalty of 10 years in prison and/or a \$250,000 fine, a  
12 period of supervised release of up to three years, a period of  
13 probation of between one and five years, a mandatory special  
14 assessment of \$100, and you would be required to pay  
15 restitution.

16 Do you understand the offense with which you're  
17 charged in Count 2 and the maximum penalty provided by law for  
18 that offense?

19 *THE DEFENDANT:* Yes.

20 *THE COURT:* Finally, in Count 3 you are charged with  
21 assault with a dangerous weapon in violation of  
22 18 U.S.C. § 113(a)(3), 1151, and 1153. That carries the same  
23 maximum penalty as Count 2.

24 Do you understand the offense with which you're  
25 charged in Count 3 and the maximum penalty provided by law for

1       that offense?

2               *THE DEFENDANT:* Yes.

3               *THE COURT:* You'll be required to enter a plea to  
4       those three counts. Now, there are four different ways you can  
5       plead to the charges. You can plead not guilty, indicating you  
6       did not commit them. You can plead guilty admitting you  
7       committed the offenses. With the Court's permission, you could  
8       plead nolo contendere or no contest, and if you enter that type  
9       of plea, you would be found guilty. Finally, you can stand  
10      mute today or refuse to enter a plea. If you do that, I will  
11      enter a not-guilty plea on your behalf.

12              Do you understand the different ways you can plead to  
13      the charges?

14              *THE DEFENDANT:* Yes.

15              *THE COURT:* And how do you wish to plead to the  
16      charges in the three-count Indictment?

17              *MR. NUMINEN:* My client stands mute.

18              *THE COURT:* Not-guilty pleas will be entered on  
19      behalf of the defendant with respect to the counts.

20              I have a schedule for progression in this case. It  
21      sets a motion deadline of October 27, initial pretrial  
22      conference October 31st, final pretrial conference December 5th  
23      at 10 a.m., and places it on a trial docket for  
24      December 15th.

25              Any other matters for the Court with respect to the

1 arraignment?

2 *MR. LOCHNER:* No, Your Honor.

3 *MR. NUMINEN:* No.

4 *THE COURT:* All right. You can return to your seats.  
5 How do you wish to proceed on the issue of the  
6 detention hearing? Do you have witnesses?

7 *MR. LOCHNER:* I do.

8 *THE COURT:* Okay.

9 *MR. LOCHNER:* I guess my preference at least,  
10 Your Honor, is I would like to -- I would like to start by  
11 making a proffer of additional information that I don't believe  
12 that Probation had when they drafted their report. And I would  
13 like to reserve an opportunity to rebut any of the evidence  
14 that's presented by the defendant.

15 *THE COURT:* All right. First, both counsel got a  
16 copy of the pretrial report?

17 *MR. LOCHNER:* Yes.

18 *MR. NUMINEN:* Yes, Your Honor.

19 *THE COURT:* I got an update to that report orally  
20 just indicating that Pretrial has been reviewing the arrest  
21 records and gave me information regarding resisting arrest in a  
22 number of those situations where he was arrested. Most  
23 recently, I think it was 2014, in Lac Vieux Desert. So go  
24 ahead.

25 *MR. LOCHNER:* Thank you, Your Honor. I would ask the



1 Court to take into consideration, of course, the information  
2 that's contained in the Presentence -- or the Pretrial Services  
3 Report regarding this particular case.

4 I would also proffer for the Court's attention that  
5 the defendant's criminal history from the Lac Vieux Desert  
6 tribe also involved his banishment from Lac Vieux Desert tribal  
7 lands once in 19 -- approximately in May of 1991 for a period  
8 of approximately five years and then the banishment was lifted.

9 In 1999 it appears he was convicted of one count of  
10 disorderly conduct and two counts of assault and battery, and  
11 part of the sentencing as a result, he was banished from  
12 Lac Vieux Desert lands for 18 months at that point in time.

13 In 2011 he was convicted in tribal court of assault  
14 with a deadly weapon, entry without breaking, and resisting an  
15 officer in discharge of their duties and received a 12-month  
16 delay of sentence.

17 And in 2015, June of 2015, he was convicted of two  
18 counts of disorderly conduct and was sentenced to six months  
19 probation, no alcohol, anger-management counseling, and alcohol  
20 assessment.

21 In addition, as the Court has indicated, I provided  
22 reports from the Lac Vieux Desert Tribal Police Department as  
23 well as reports from the Chicago Police and the Waukesha,  
24 Wisconsin, police. We received reports, copies of reports from  
25 some of the assaults with which the defendant had been charged

1 in Chicago. At least one of those incidents in Chicago  
2 involved his spouse. The repeat report from the Waukesha  
3 Police Department from 1997 also involved an incident involving  
4 a spouse. And there are -- I received 14 separate police  
5 reports from the Lac Vieux Desert Police, and I'm presuming  
6 that this is what was reviewed with the Court by U.S. Probation  
7 where there are repeated incidents between 2002 and 2016 in  
8 which the defendant was involved in assaultive behavior, was  
9 either barred or banished from or not allowed to enter bars and  
10 went in there and engaged in assaultive behavior, threatened  
11 responding police, threatened to kill the responding police and  
12 their family members, and resisted officers. And had to be  
13 at least on one occasion, if not more, had to be pepper sprayed  
14 to try to bring him into compliance with what police officers  
15 were asking him to do.

16 In addition to that, I do have four exhibits I'm  
17 tendering, and I'm handing Mr. Numinen a copy of those.

18 Exhibits 1 and 2 reflect the condition of the alleged  
19 victim listed in Counts 1 and 2 as she was found by the  
20 Lac Vieux Desert Police and reflects, I think, to some degree  
21 the nature of the injury sustained. And 3 and 4 were pictures  
22 of the defendant in his clothing that were taken after he was  
23 taken into custody by the Lac Vieux Desert Tribal Police.

24 Also, Your Honor, I have a recording of an interview  
25 that was done of the alleged victim of Counts 1 and 2. I don't

1 know how well they will work because the audio is very faint  
2 when she is talking, and we haven't had the chance to test out  
3 the system in here. It doesn't typically work when we bring  
4 speakers in. I've tried to plug it into the system. But it's  
5 also about 25, 30 minutes long. So I can proffer what I think  
6 the contents of that summary would be.

7 *THE COURT:* Has Mr. Numinen had a chance to listen to  
8 it?

9 *MR. LOCHNER:* No, I don't believe so.

10 *MR. NUMINEN:* I haven't had any of this. No police  
11 reports. None of the hearsay that Mr. Lochner is getting into,  
12 I have not been provided any of it.

13 *THE COURT:* Okay. Mr. Lochner, do you want to play  
14 it? Do you want to summarize it? What do you want to do?

15 *MR. LOCHNER:* You know, I guess, Your Honor, what I  
16 would do is I would summarize it for the meantime, and I would  
17 make it available. Of course, if we want to review it -- if  
18 there's any dispute about it, we can certainly review it.

19 Like I said, it may be difficult to do in the  
20 courtroom setting because of the -- how faint the audio is at  
21 times when you're listening. But the essence of it is, again,  
22 JPB, the alleged victim in Counts 1 and 2, was interviewed over  
23 in the Marquette General Hospital. She had been taken by the  
24 Lac Vieux Desert Tribal Police to the Iron River Hospital. Her  
25 doctor there had her intubated because of her condition and had

1 her medevacked up to Marquette General Hospital.

2 She was interviewed on the 13th of August again at  
3 Marquette General Hospital by agents from the FBI. The sum and  
4 substance of it was she would not consent to a release of her  
5 medical records at the time or consent to provide a DNA sample.  
6 She indicated that she remembered being at a friend's house  
7 when the defendant found -- actually the alleged victim of  
8 Count 3, AJJ's number on the phone she had been using. The  
9 defendant asked her about it. JPB said she was trying to call  
10 AJJ. Said she shouldn't have been trying to do that. She used  
11 her friend's phone to do so.

12 She remembered another person and Mr. Baldwin  
13 scuffling at the first residence before she ran over to AJJ's  
14 house. At AJJ's house she and the defendant started fighting  
15 and AJJ and the defendant started fighting.

16 She was asked if the defendant hit her with any  
17 objects or if he just used his fists, and she said he only used  
18 his fists that she was aware of. She did not remember how she  
19 got to the ground outside AJJ's house.

20 She and the defendant have been getting along earlier  
21 that day, and she never should have called AJJ's number. And  
22 she said that she and the defendant got into a fight and she  
23 obviously lost.

24 She thought the defendant should be in jail or spend  
25 time in jail but he shouldn't be railroaded. And that's

1 essentially the sum and substance of that interview, which as I  
2 indicated to the Court.

3 *THE COURT:* All right. Anything further?

4 *MR. LOCHNER:* If I may have just a moment,  
5 Your Honor.

6 Just one other thing. We had the opportunity this  
7 week to speak to a treating physician at Marquette General  
8 Hospital who indicated in part that the injury that JPB  
9 suffered included what he described as traumatic brain injury  
10 as well as a fractured nose.

11 *THE COURT:* First, Mr. Numinen, any objections to  
12 Exhibits 1 through 4?

13 *MR. NUMINEN:* Well, I know that the Rules of Evidence  
14 are relaxed in these types of hearings. I would object that  
15 it's all hearsay and there's no foundation. We don't know who  
16 took the pictures, when they were taken, or any of the  
17 circumstances surrounding them. But, again, I understand the  
18 Rules of Evidence are relaxed here.

19 *THE COURT:* The exhibits will be received.

20 Do you have witnesses?

21 *MR. NUMINEN:* I do. I'll call Joette Pete-Baldwin.

22 *THE CLERK:* If would you step right up here, please.  
23 Raise your right hand.

24

25

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

JOETTE PETE-BALDWIN

(The oath was administered)

THE WITNESS: Yes, I do.

THE CLERK: Thank you. You may be seated.

## DIRECT EXAMINATION

BY MR. NUMINEN:

Q. Ms. Baldwin, I'm going to ask you to state your name. And you're soft-spoken, so I'm going to ask you to speak up and then spell your last name and describe the hyphenation.

A. My name is Joette Pete-Baldwin. P-E-T-E dash B-A-L-D-W-I-N.

Q. And what's your relationship to Mr. David Baldwin?

A. I'm his wife.

Q. How long have you been married?

A. Twenty-six years.

Q. And how many children do you have?

A. We've been together 26.

Q. Married 15?

A. Yeah.

Q. And how many children do you have together?

A. Five.

Q. Were you residing together at the time and date of this incident that's been described?

A. Yes, uh-huh.

Q. And do you remember that evening?

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 A. Partially.

2 Q. It's my understanding that you had a medical episode. And  
3 let's make sure that we have the date of the incident. This  
4 says that it was on August 12th, 2016, in Gogebic County.

5 A. Yes.

6 Q. Okay. So when I talk about the incident, that's the date  
7 I'm going to talk about. Okay?

8 A. Okay. Uh-huh.

9 Q. Yes?

10 A. Yes.

11 Q. And were you with your husband on that day?

12 A. Yes.

13 Q. Where were you?

14 A. We had gone to the casino and then to my cousin Tracy's  
15 house.

16 Q. Okay. What's Tracy's last name?

17 A. Pete.

18 Q. And were you drinking alcohol?

19 A. Yes.

20 Q. Were there a lot of people there?

21 A. Yes.

22 Q. Describe for me the scene or the number of people where  
23 you were at.

24 A. There was about six to seven people there.

25 Q. Was it a formal party for an event or an informal

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1 gathering?

2 A. Informal gathering.

3 Q. Was your husband there?

4 A. Yes.

5 Q. At some point did you leave the party?

6 A. Yes.

7 Q. Where did you go?

8 A. I went to Anthony's house.

9 Q. How far away was that?

10 A. Approximately two blocks.

11 Q. And Anthony, is his last name Jackson?

12 A. Yes.

13 Q. Okay. At some point did your husband then join you at  
14 Anthony Jackson's house --

15 A. Yes.

16 Q. -- two blocks away?

17 A. Yes.

18 Q. Okay. My understanding is that you had some kind of a  
19 medical episode. Can you tell the Court what happened?

20 A. Yes. When I went to leave, I apparently had a stroke.

21 Q. What do you mean apparently? Did you or did you not have  
22 a stroke?

23 A. Well, I just heard testimony that it was.

24 Q. No, I don't want to -- what do you know?

25 A. I know that I had a stroke.



## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. Did you go to the hospital?

2 A. Yes.

3 Q. Were you diagnosed by a doctor?

4 A. Yes.

5 Q. Did the doctor tell you you had a stroke?

6 A. Yes.

7 Q. Did you have a stroke?

8 A. Yes.

9 Q. Okay. Was the stroke caused in any fashion by  
10 Mr. Baldwin?

11 A. No.

12 Q. Did he strike you?

13 A. No.

14 Q. Did he hit you?

15 A. No.

16 Q. Did he punch you?

17 A. No.

18 Q. Did he kick you?

19 A. No.

20 Q. Did he assault you in any fashion?

21 A. No.

22 Q. There's pictures now shown of you lying down --

23 A. Yes.

24 Q. -- looking in a semi-conscious state. Was that -- what  
25 was that due to?

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1           THE COURT: This picture?

2           MR. NUMINEN: Yes.

3           THE WITNESS: My broken nose.

4       Q.    (BY MR. NUMINEN) Yes. And how did you get a broken nose?

5       A.    I had flipped over the railing.

6       Q.    You flipped over the railing?

7       A.    Yes.

8       Q.    How did you flip over the railing? What caused that to  
9    happen?

10      A.    Because I didn't have any balance at all.

11      Q.    Did you go unconscious?

12      A.    Yes.

13      Q.    And then flip over the railing?

14      A.    Yes.

15      Q.    Did Mr. Baldwin --

16           THE COURT: Wait, wait, wait, wait. You asked her if  
17    she went unconscious, she said "Yes," and then you asked her if  
18    she flipped over the railing. How would she know?

19      Q.    (BY MR. NUMINEN) Let me -- Ms. Pete-Baldwin, how did you  
20    end up on the ground like that?

21      A.    When I had lost my con -- what do you call that --  
22    balance, I hit my face on the wall and then I went outside to  
23    try to get outside and I flipped over the railing and hit the  
24    concrete and David was helping me. And he --

25      Q.    I need to interrupt you. Who was helping you?

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 A. David.

2 Q. Your husband?

3 A. Yes.

4 Q. Was he assaulting you?

5 A. No.

6 Q. Okay.

7 A. He had tried to dial for the ambulance and the police to  
8 come, but my phone wouldn't work because the tribal government  
9 had shut my phone off that day.

10 Q. Okay. Why did they shut your phone off?

11 A. Because I was removed from the tribal council, I was the  
12 vice chair, for reporting their activity.

13 Q. You reported their activities to whom?

14 A. To Zeke Fox, a reporter in New York, and to the FBI.

15 Q. And in retaliation for that, they removed you?

16 A. Yes.

17 Q. Okay. In fact, you've talked to legal counsel about a  
18 whistleblower's claim, haven't you?

19 A. Yes.

20 Q. Okay. And all this happened right before this incident?

21 A. Yes.

22 Q. Now, it's my understanding that your husband was charged  
23 in tribal court with assaulting you, domestic violence. Is  
24 that accurate?

25 A. Previous, yes.

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. And did you tell the authorities the same thing there that  
2 you're telling me too?

3 A. Yes. Yes.

4 Q. You have to wait for me to finish the question.

5 A. I'm sorry.

6 Q. Did you tell the authorities in tribal court the same  
7 thing you're telling the judge in this court?

8 A. Yes.

9 Q. What happened to those charges?

10 A. They were dismissed.

11 Q. Did you have an attorney? Or, excuse me, did Mr. Baldwin  
12 have an attorney?

13 A. Yes.

14 Q. And through Mr. Baldwin's attorney, did you present to the  
15 tribal court medical documentation that you had a stroke?

16 A. Yes. I had sent documents when I received the medical  
17 reports.

18 Q. Okay. So your condition, was it the result of being  
19 assaulted by Mr. Baldwin or the result of a stroke?

20 A. A stroke.

21 Q. All right. Did you tell this FBI agency at the  
22 government's table about this?

23 A. About?

24 Q. About having a stroke.

25 A. Yes.

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. And did you explain that the charges in tribal court were  
2 dismissed? To this FBI agent.

3 A. Yes.

4 Q. So --

5 A. Is that Mark Hoff? That's who I spoke with.

6 Q. Okay. Have you ever spoken to Mr. Lochner?

7 A. No.

8 Q. And did you tell the federal government, the United States  
9 Attorney's Office, that you had a stroke and this was a result  
10 of a stroke, not being assaulted?

11 A. Yes.

12 Q. Who did you tell that to?

13 A. Mark Hoff.

14 Q. Okay. To the FBI?

15 A. Yes.

16 Q. All right. If Mr. Baldwin were to -- oh, by the way, did  
17 Mr. Baldwin and Mr. Jackson get into a scuffle that night?

18 A. I assume they did, because I should say not have called.

19 Q. I don't want you to assume anything. Did you see them get  
20 into a scuffle?

21 A. My former boyfriend.

22 Q. Mr. Jackson is?

23 A. Yes.

24 Q. Okay. Did you see them get into a scuffle?

25 A. No.

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. Did you see any altercation or a fight between them?

2 A. No.

3 Q. Did you see Mr. Baldwin hit Mr. Jackson with any kind of a  
4 weapon?

5 A. No.

6 Q. Did you see Mr. Baldwin with a weapon in his hands at all?

7 A. No.

8 Q. At any point in time did you see either one of them  
9 brandish a weapon against each other?

10 A. No.

11 Q. Did you tell this to the police?

12 A. Yes.

13 Q. Okay. Do you believe, based on what you saw, your own  
14 personal observations, that Mr. Baldwin assaulted Mr. Jackson?

15 A. No.

16 Q. Okay. Other than you, Mr. Jackson, and Mr. Baldwin, was  
17 anybody else in that home when this incident took place?

18 A. No.

19 Q. Do you see Mr. Jackson in the court today?

20 A. No.

21 Q. Have you seen him since this incident?

22 A. No.

23 Q. Was he supposed to be in the courtroom, the tribal court,  
24 at the domestic violence case?

25 A. I would assume so. I'm told not to assume. But I did not

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 see him there.

2 Q. Did he show up?

3 A. No.

4 Q. Did he ever testify against Mr. Baldwin?

5 A. No.

6 Q. At any point time in time did he ever make a statement  
7 against Mr. Baldwin as far as you know?

8 A. Not that I know of.

9 Q. At any point in time has he ever filed any kind of claim  
10 against Mr. Baldwin, any kind of lawsuit or anything?

11 A. No.

12 Q. Okay. If Mr. Baldwin were to be released from this court  
13 on bond, where would he live?

14 A. In Bruce Crossing, Michigan.

15 Q. Okay. Are you -- is your family still living in the same  
16 residence that you were on the date of this incident?

17 A. Yes.

18 Q. And are you making plans to move?

19 A. Yes.

20 Q. Why?

21 A. Because the tribal politics is too hard on our family.

22 Q. Where would you move?

23 A. To Bruce Crossing. And eventually I would like to move  
24 within 50 miles of the reservation and that way I would still  
25 be eligible for any meetings or anything that I would like to

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 attend.

2 Q. Do you have a place in Bruce Crossing that you can go to?

3 A. Yes.

4 Q. Describe the residence for me, please.

5 A. It's a small house that is empty, and it belongs to our  
6 friend, and he said that we could stay there if we need to.

7 Q. Is it sufficient to accommodate you, your husband, and  
8 your kids?

9 A. Yes.

10 Q. And these kids are still living with you?

11 A. Yes.

12 Q. I see there's children in the courtroom today. Are they  
13 yours?

14 A. Yes.

15 Q. Okay.

16 A. I have two children in school.

17 Q. Mr. Baldwin has a criminal history from some time ago.  
18 Are you aware of that?

19 A. Of what?

20 Q. His criminal history from --

21 A. Yes.

22 Q. Okay. Has he had any recent episodes of assaultive  
23 behavior towards you?

24 A. No.

25 Q. Are you aware of any kind of time where he's failed to



## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 appear in court?

2 A. No.

3 Q. Are you aware of any time where he's violated any terms or  
4 conditions of a bond order?

5 A. No.

6 Q. Are you aware of any time when he's violated the terms and  
7 conditions of any probation order?

8 A. No.

9 Q. I see that he had a delay of sentence on his last charge  
10 with the court. Did he successfully complete that delay?

11 A. Yes, uh-huh.

12 Q. Yes?

13 A. Yes.

14 Q. Were the charges then dismissed?

15 A. Yes.

16 Q. So that's not a conviction. Is that accurate?

17 A. Correct.

18 Q. Okay. Can you think of the last time he might have had  
19 any kind of a criminal conviction? Are you aware? Do you  
20 know?

21 A. I think in reference to 2014 when he had smacked a can, a  
22 pop can off the bar at the casino and they charged him with  
23 disorderly.

24 Q. Okay. Mr. Lochner, the Assistant United States Attorney,  
25 made reference to various police reports and allegations of

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 various disruptive or assaultive conduct.

2 Has Mr. Baldwin been convicted, not just accused of but  
3 convicted of any of these crimes recently?

4 A. No. No. No.

5 Q. Okay. Do you believe that Mr. Baldwin has a substance  
6 abuse or an alcohol problem?

7 A. Yes.

8 Q. And are you interested in working with him in getting  
9 appropriate treatment?

10 A. Yes.

11 Q. Has he expressed an interest to you in that?

12 A. Yes.

13 Q. Pardon?

14 A. Yes.

15 Q. Okay. And are you aware of any particular treatment that  
16 might be available if he's released?

17 A. No.

18 Q. Okay. Would he be eligible for treatment with the tribe?

19 A. Yes.

20 Q. Do you know, has he been subject to a banishment order  
21 because of this incident?

22 A. Yes. Without any court hearing. This is just all  
23 hearsay. A letter was apparently sent to all the tribal  
24 membership indicating my removal and the banishment of my  
25 husband in the same letter.

## DIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. Okay.

2 A. Without any court or anything.

3 Q. I want to go back to your diagnosis by a medical doctor of  
4 having a stroke. Who diagnosed you?

5 A. Iron River and Marquette.

6 Q. Pardon?

7 A. Iron River, Michigan, and Marquette, Michigan.

8 Q. So in Iron River what was the medical facility that you  
9 went to?

10 A. I don't know the name of that place, but it's some  
11 hospital. And when I was in Marquette I --

12 Q. Can I interrupt you? Is it -- would it be the  
13 Dickinson County Memorial Hospital?

14 A. No.

15 Q. No? Okay. I'm sorry to interrupt you.

16 A. When I woke up in Marquette I had asked why am I here that  
17 they couldn't take care of me at Iron River, and they told me  
18 that I had a stroke. So I demanded to see the paperwork, and  
19 it did indicate a stroke.

20 Q. Is there any indication by any doctor -- not any  
21 assumptions that any of the rest of us are making -- has a  
22 doctor told you that this stroke was caused by being assaulted  
23 or from some other means?

24 A. No, no one has ever told me that.

25 Q. Do you believe that your stroke was caused by being

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 assaulted?

2 A. No.

3 Q. Has any medical person given you any reason to believe  
4 that it was caused by being assaulted?

5 A. No.

6 Q. Okay. Is there another explanation for you having a  
7 stroke? Medical explanation.

8 A. Super stress and alienation at work and over my community  
9 and working with the FBI and reporters from New York and the  
10 CFPB and multiple federal agencies.

11 Q. Okay. Thank you. I've finished my questions.

12 CROSS-EXAMINATION

13 BY MR. LOCHNER:

14 Q. Good afternoon, Ms. Baldwin. You and I have never met or  
15 spoke; is that correct?

16 A. No.

17 Q. All right. You were describing for us that on August 12th  
18 you had been to the casino; is that correct?

19 A. Uh-huh. Yes.

20 Q. And in fact you met with some of your friends at the  
21 casino?

22 A. Yes.

23 Q. And then you drove over to a place called the  
24 Roadhouse Bar in --

25 A. I don't drink and drive.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. Okay. Not you driving.

2 A. Okay.

3 Q. I mean you rode over to the Roadhouse Bar --

4 A. Okay.

5 Q. -- and some beer was purchased there. Do you remember  
6 that?

7 A. Logan will not serve us there.

8 Q. Okay. Did you then go to Ms. Pete's house?

9 A. I went to Ms. Pete's house.

10 Q. All right. And who were the people who were there?

11 A. Paul Bronk, Tracy Petes, Dan Green, Jenny Petes, myself,  
12 and Dave.

13 Q. All right. Do you know someone named Albert Pete?

14 A. Yes.

15 Q. Was he there too?

16 A. I did not see him.

17 Q. All right. And how long were you at Ms. Pete's house?

18 A. Approximately an hour.

19 Q. And what were you doing while you were there?

20 A. Dave and I were layin' on the couch.

21 Q. You mentioned that you didn't have -- or your phone wasn't  
22 working because it belonged to the tribe --

23 A. Right. Right.

24 Q. -- and they had shut it off. Is that correct?

25 A. But the policy is if you're a tribal member or an employee

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 of a tribe, you have an option to pick a plan and they approach  
2 you and ask you if you want to be a privies versus a tribe, and  
3 they never did.

4 Q. So your phone, the point being, you didn't have a working  
5 phone when you were at Ms. Pete's house?

6 A. Correct.

7 Q. Did you borrow anybody's phone?

8 A. No. I had found a phone in the coach that we were layin'  
9 on.

10 Q. Okay. So you found the phone at Ms. Pete's house?

11 A. Yes.

12 Q. Was that a land-line phone or a cell phone?

13 A. A cell phone.

14 Q. And tell us a little bit about being at the party. Why  
15 did you leave the party?

16 A. Because I had used that phone and dialed Anthony's number,  
17 and he told me to meet him, and I went to Anthony's house.

18 Q. When you left Ms. Pete's house, had there been any kind of  
19 an altercation that had taken place?

20 A. From when David had asked me to see the phone and I told  
21 him "I don't know whose phone this is." And I called Tracy  
22 trying to act like she called Anthony's number. And her and  
23 her boyfriend and several other men came and grabbed me and I  
24 had left.

25 Q. So let's back up a little bit. Isn't it true that

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Mr. Baldwin here hit you in the face while you were at

2 Ms. Pete's house?

3 A. Can you repeat that?

4 Q. Yes. Isn't it true that the defendant here, your husband,  
5 hit you in the face --

6 A. No.

7 Q. -- while you were at Ms. Pete's house?

8 A. No.

9 Q. And people came running over after you had been struck.

10 A. No.

11 Q. And Mr. Green grabbed onto -- Dan Green grabbed onto your  
12 husband.

13 A. I don't think that. I had left.

14 Q. And did Mr. Albert Pete grab onto your husband?

15 A. I don't think so.

16 Q. So you didn't see that?

17 A. No. I had left to Anthony's.

18 Q. How long were you at Mr. Jackson's house?

19 A. I do not recall.

20 Q. A long time? Short time?

21 A. It depends on what you call a short time.

22 Q. Okay. Less than 30 minutes?

23 A. It could be.

24 Q. Not sure?

25 A. No.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. And what are you doing when you're over at Mr. Jackson's  
2 house?

3 A. Talking to him.

4 Q. And where were you in the house at the time you were  
5 talking to him?

6 A. Um, in the kitchen area.

7 Q. And does your husband come over?

8 A. Yeah.

9 Q. How do you know he's arrived?

10 A. Because Anthony told me that he was there.

11 Q. And then what happens?

12 A. And then he opened the door for him. And then I went to  
13 leave and I had my stroke.

14 Q. So when you're having this stroke, both Mr. Jackson and  
15 your husband are standing there in the house?

16 A. I think David just came to the door and Anthony had opened  
17 the door.

18 Q. So he is still standing outside?

19 A. Yes.

20 Q. So he never -- your husband never asks or makes it into  
21 the house?

22 A. Not that I know of.

23 Q. So where is Mr. Jackson standing then? Is he still -- is  
24 he by the door?

25 A. I do not -- I don't know.



## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. And where were you when you initially had this stroke?

2 A. In the kitchen area. The kitchen is right by the door.

3 Q. And how was that it that you knew that you were having a  
4 stroke?

5 A. Because my -- everything started going like dizzy. And my  
6 arms and my legs started hurting. And then I tried to get  
7 outside. And then I had hit. And then I got on the porch and  
8 I hit the wall again. When I went outside, I flipped over the  
9 railing.

10 Q. Okay. Back up a little bit for me. You said you were in  
11 the kitchen area --

12 A. Yeah.

13 Q. -- when you first had this. Were you seated or were you  
14 standing?

15 A. Standing.

16 Q. Okay. And then you sensed that you were having this  
17 stroke?

18 A. Yeah.

19 Q. How far away are you from the door that you described that  
20 Mr. Jackson has opened for your husband?

21 A. From the first door or the second door? There's two  
22 doors.

23 Q. Well, the door that your husband was at.

24 A. How far in feet?

25 Q. Yeah.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 A. I'd say from here to the desk.

2 Q. To my desk here or to the end of --

3 A. No, this --

4 Q. -- this bench over here?

5 A. This desk right here.

6 Q. So maybe four feet?

7 A. Yeah.

8 Q. Is that a fair guess?

9 A. Yeah.

10 Q. So that's where you're standing?

11 A. Yeah.

12 Q. And then you have this -- you sense that you're having  
13 this stroke.

14 A. Uh-huh.

15 Q. I'm sorry, you can't say "uh-huh." You have to say "yes"  
16 or "no."

17 A. Oh, I'm sorry.

18 Q. That's all right. So you're about four feet away from the  
19 door?

20 A. Yes.

21 Q. And you said you fell. Where did you fall?

22 A. I don't know where I fell. I just know that I had fell  
23 and that I got back trying to get my stability again and I just  
24 was not myself.

25 Q. Okay. So are you still close to the door? You said you

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1     were about four feet away from the door.

2     A.    Uh-huh.

3     Q.    And you sense you're having a stroke.  And you said you  
4     fell.  And did you get back up?

5     A.    I don't recall.

6     Q.    And you said -- then you said you went outside.

7     A.    Yeah.

8     Q.    Do you remember --

9     A.    I tried to get fresh air.  I just know that.

10    Q.    Did you go directly outside?

11    A.    Yeah, I tried to make it outside.

12    Q.    All right.  So when you fell inside, did you just -- did  
13    you just fall on the floor?

14    A.    I don't know.

15    Q.    Then you got up.  Is that right?

16    A.    Apparently.  I just know I was trying to get help and  
17    tried to get fresh air.

18    Q.    Okay.  So you went outside.  Is that right?

19    A.    Yeah.

20    Q.    Where is Mr. Jackson at this point in time?

21    A.    I don't know.

22    Q.    And where is your husband at this time?

23    A.    Um, I don't know.  All I know is that when I landed on the  
24    ground I was calling for him, and he was trying to call the  
25    ambulance and the police to come help and the phone wouldn't

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 work.

2 Q. And what phone -- whose phone did he have?

3 A. Mine.

4 Q. So he has yours. And that's a cell phone?

5 A. Yeah.

6 Q. When he's doing that, where is he standing?

7 A. I don't know.

8 Q. So you come outside, and what happens then?

9 A. I just know I flipped over the railing. The railing is  
10 like this, and I flipped over the railing.

11 Q. It's like a handicapped railing kind of thing?

12 A. Yeah. Yeah. Yeah. Yeah.

13 Q. And then you flip over the railing?

14 A. Yes.

15 Q. Or -- you flip over the railing, not the frame.

16 A. Yes.

17 Q. And you land on the ground.

18 A. Yes.

19 Q. Okay. Now, is that --

20 THE COURT: I have to interrupt because I'm confused  
21 by something. You said your husband was using your phone to  
22 try and call the ambulance and the police.

23 THE WITNESS: Uh-huh.

24 THE COURT: I thought you said your phone didn't  
25 work.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1           THE WITNESS: He didn't know my phone was shut off.

2           THE COURT: Did it work or was it shut off?

3           THE WITNESS: It was working at 1:30 that afternoon  
4 until Ken Keeney, the tribal attorney, had called Purchasing  
5 and told them to shut it off. So then I had gone into the  
6 council room to approach --

7           THE COURT: How did your husband get your phone?

8           THE WITNESS: Because it was in my purse with me.

9           THE COURT: Well, how did he get it from you?

10          THE WITNESS: I do not know.

11          THE COURT: All right. Go ahead.

12          MR. LOCHNER: Thank you, Your Honor.

13          Q.    (BY MR. LOCHNER) So this handicap ramp goes from the door  
14 down a little ways --

15          A.    Yes.

16          Q.    -- right? Where -- how far down there is it that you flip  
17 over?

18          A.    I do not know. All I know is I had a mark here that I had  
19 flipped over the railing.

20          Q.    Okay. Now, when you say you don't know, this is what I'm  
21 trying to understand: Are you aware and are you saying that  
22 you know that you walked outside and you know that you flipped  
23 over that railing because you remember that that happened, or  
24 are you guessing that that's what happened?

25          A.    No, I know that that's what happened.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. Because you remember?

2 A. I was trying to get fresh air.

3 Q. Okay. And so you were walking your way out there?

4 A. If you want to call it walking, yes.

5 Q. Okay. So -- as opposed to -- what I'm getting at, ma'am,  
6 so you're not crawling on all fours, you're standing up on your  
7 two legs?

8 A. Right.

9 Q. And you go outside and then you flip over the railing?

10 A. Yes.

11 Q. And which side of the railing is that as you're walking  
12 out?

13 A. I do not know.

14 Q. And you land on the ground?

15 A. Yes.

16 Q. And -- so you land in that spot. Do you move from that  
17 spot?

18 A. No. I don't think so. I don't know.

19 Q. All right. So to your recollection, when you fell over  
20 and you landed in that spot, you never moved? You didn't get  
21 up and walk someplace else?

22 A. The next thing I knew was the police were there with a  
23 flashlight asking what happened.

24 Q. Okay. So that's the last --

25 A. Saying "Something is wrong with your wife."

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. I want you to correct me if I've got this wrong. So you  
2 flip over the railing --

3 A. Yes.

4 Q. -- and you land on the ground, and then after that the  
5 next thing you can really remember is the police coming --

6 A. Yeah. Yeah.

7 Q. -- to check and see -- or doing something with the light  
8 with your eyes?

9 A. They were just shining, and I was like "I'm right here."

10 Q. All right. When you were found out on the lawn there --

11 A. (Coughing). Excuse me.

12 Q. -- you had no clothing on from the waist up.

13 A. Yeah.

14 Q. Your bra was off. Your shirt was off.

15 A. Yeah.

16 Q. How did that happen?

17 A. David was trying to catch me on the railing. So I was  
18 trying to hide myself.

19 Q. So he tries to catch you as you're falling over the  
20 railing?

21 A. Yeah.

22 Q. And that's how your bra and your shirt came off?

23 A. Yeah. And then the police had given my bra to my  
24 daughters and my shirt to my stepmother. And then she said  
25 they came to the hospital to ask her for the shirt back, and

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 she didn't know why -- or what -- it was on the floor of her  
2 van with the dog, so she just told me she'd get it to them.

3 Q. So you remember that the police were looking in your eyes  
4 with a --

5 A. I remember seeing the flashlight of the police. It was  
6 Georgie -- George Peterson.

7 Q. Okay. And what's the next thing you remember?

8 A. Um, trying to pull out the -- the thing they put in your  
9 mouth when you have a stroke so you don't swallow your tongue.

10 Q. You had been intubated?

11 A. Yeah, that's what it was.

12 Q. All right. And where were you when you were trying to  
13 pull that out?

14 A. I believe I was in the ambulance. I'm not sure. Maybe at  
15 the hospital. I don't know.

16 Q. So what's the next thing you actually remember? Where  
17 were you the next time you remember anything?

18 A. Marquette.

19 Q. When you were treated in Iron River, did you ever speak to  
20 the doctor?

21 A. No.

22 Q. So you were unconscious the entire time?

23 *THE COURT:* Yes or no.

24 *THE WITNESS:* I don't remember talking to a doctor.

25 Q. (BY MR. LOCHNER) All right. So that doctor couldn't have



## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 told you that you had suffered any kind of stroke. Fair to  
2 say?

3 A. No, I said when I went to Marquette I asked why they had  
4 me in Marquette and they couldn't take care of me at  
5 Iron River.

6 Q. And who was your doctor when you got to the hospital in  
7 Marquette?

8 A. I don't know.

9 Q. Do you remember seeing a Dr. Joseph Jameson?

10 A. I believe that's -- I remember I was at Marquette --

11 Q. In Marquette. Do you remember seeing Dr. Joseph Jameson  
12 in Marquette?

13 A. Um, no. My memory is not as quick.

14 Q. And did any doctor tell you that you had suffered a  
15 stroke?

16 A. Um, I had seen the paperwork.

17 Q. Okay. That wasn't my question, ma'am. Did any doctor  
18 tell you that you had suffered a stroke?

19 A. Um, I don't remember talking to a doctor.

20 Q. So you didn't talk to a doctor any of the time that you  
21 were in Marquette General?

22 A. I probably did. I don't remember.

23 Q. I just want to go back -- I want to go back to  
24 Mr. Jackson's house just for one thing. I think you said --  
25 and I want you to correct me if I have this wrong -- I think

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 you said in response to one of Mr. Numinen's questions that you  
2 broke your nose or you thought you broke your nose because you  
3 hit your face on that railing, on that handicap ramp.

4 A. I don't -- the railing?

5 Q. Or when you -- or was it -- or were you saying when you  
6 hit the concrete?

7 A. I don't know when it was broke. From which fall.

8 Q. So you don't know?

9 A. No.

10 Q. And you remember two falls. One inside the house and then  
11 one when you went over the railing?

12 A. There was about three.

13 Q. Where was the third one?

14 A. Once in the house at the front door, second at the porch,  
15 and third outside.

16 Q. Okay. When you say the porch, where is that in  
17 relationship to the door and that handicap ramp that you've  
18 described?

19 A. There is an enclosed porch and then there's a ramp from  
20 the enclosed porch. So there's one door here, one door here,  
21 and then the ramp.

22 Q. Okay. Kind of like if it were longer, maybe -- this is my  
23 term -- maybe like a really short little breezeway? Like a  
24 door, there's a little space, another door, and then that  
25 second door leads to the outside, that's the handicap ramp, and

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1     then a door and a there's a little space and then another door?  
2     Is that kind of what you're describing as a porch?

3     A.    Yeah.

4     Q.    You spoke to the FBI while you were at Marquette General  
5     Hospital, correct?

6     A.    Yes.

7     Q.    And you told them that -- they asked you for consent to  
8     have your medical records; is that right?

9     A.    Yes, they wanted my DNA.

10    Q.    Right. They wanted a DNA swab, correct?

11    A.    Right.

12    Q.    And you didn't want to give those to them, right?

13    A.    Right. Right. I told them I don't give my DNA to anyone.  
14    It's a Native American thing.

15    Q.    You asked them if it would be detrimental if you released  
16    your medical records to Mr. Baldwin, didn't you?

17    A.    Did I? Is that what you're asking?

18    Q.    Yes.

19    A.    Not that I recall.

20    Q.    And did you tell them that you remembered being at Tracy's  
21    house when your husband found Tony's number on the phone that  
22    you had been using?

23    A.    I don't know. I told Mr. Hoff and the two other gentlemen  
24    he had that they sat there for an hour or two waiting for me to  
25    wake up and I had a lot of pain medication.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. And did you tell them that you had -- you were trying to  
2 call Tony and you shouldn't have been trying to do that?

3 A. Yeah. Yes. Sorry.

4 Q. Do you remember telling them that Daniel Green and your  
5 husband were scuffling before you ran into Tony's house?

6 A. Over the phone, I believe. Because Daniel would never  
7 like would leave. They were very good friends.

8 Q. Well, Daniel Green was at the house, wasn't he?

9 A. Yes.

10 Q. And your husband was at the house?

11 A. Was Tracy's husband. My cousin Tracy's.

12 Q. Right. So he's at the house and your husband is at the  
13 house.

14 A. Yeah. Yes.

15 Q. So they wouldn't be scuffling over the phone there, would  
16 they?

17 A. That's the phone that I had found in the couch.

18 THE COURT: I think she's saying that they were  
19 having a physical scuffle over who had possession of the phone.

20 Q. (BY MR. LOCHNER) He was trying to get the phone? Is that  
21 what you're saying?

22 A. Yes. Yes.

23 Q. All right. And you said -- you told the FBI that at  
24 Tony's house you and your husband started fighting. Do you  
25 remember that?

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 A. No.

2 Q. And you told them that then your husband and  
3 Anthony Jackson started fighting. Do you remember that?

4 A. No.

5 Q. You were asked if your husband had hit you with any  
6 objects or if he just used his fists, and you said he only used  
7 his fists that you were aware of. Do you recall that?

8 A. No, but I do recall them asking if there was any weapons,  
9 and I had told them that I'm not aware of any weapons or had  
10 seen any weapons.

11 Q. And you told them that you and your husband had gotten  
12 into a fight and you obviously lost. Right?

13 A. I don't remember that.

14 Q. And you told them that you thought that he should be in  
15 jail or spend time in jail but he shouldn't be railroaded,  
16 right?

17 A. Not that -- against me. The way he was asking questions  
18 and giving me information that there was an altercation. I do  
19 not know.

20 Q. Have you spoken at any point in time to any of the doctors  
21 who treated you about whether or not you had had a stroke?

22 A. Um, I had. They would send the documentation to my  
23 supplemental insurance for documentation. And the documents  
24 that I received upon discharge indicated a stroke. But I do  
25 not recall speaking to a doctor. But when I sent the documents

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 to the supplemental insurance, there's a physician's statement  
2 that has to be signed by the doctor. And as of today I don't  
3 know if it has been done. I know they wanted additional  
4 information, which is what I have to finish today.

5 Q. Now, do you recall an incident in May of 2016 between  
6 yourself and your husband?

7 A. Yes.

8 Q. Do you remember calling the tribal police on the 29th of  
9 May of 2016 and reporting that he had assaulted you?

10 A. Yes.

11 Q. And you talked to Officer Peterson on that day, right?

12 A. Yes. And it had to do with Anthony Jackson again.

13 Q. And he asked you, that is Officer Peterson asked you if  
14 you reported this domestic violence situation correctly and you  
15 said that you did, right?

16 A. If I made a statement and reported it or if what I told  
17 him was correct?

18 Q. That what you told them earlier --

19 A. Because I never made a statement.

20 Q. Do you remember going to the Lac Vieux Desert Tribal  
21 Police Department to make that report?

22 A. Yes. They took --

23 Q. So you made that report of the offense by going to the  
24 tribal police station, walking in and telling them yourself?

25 A. Yes.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. And you told them that your husband had grabbed you by the  
2 arm and pushed you to the ground and you showed them some  
3 bruising on your left arm, correct?

4 A. He was trying to carry me home because I was intoxicated  
5 and I had come from Anthony's home.

6 Q. Okay. Ma'am, that wasn't what I asked you. What I asked  
7 you is what you said to the police. You told the police that  
8 he had grabbed you by the arm and pushed you to the ground and  
9 you showed them bruising on the left arm -- on your left arm  
10 and you told them that's from where your husband had grabbed  
11 you and pushed you to the ground.

12 A. I don't recall saying that. I would have to see the  
13 statement to Georgie. I don't recall that. Like I said, I was  
14 intoxicated.

15 Q. And Officer Peterson asked you if you had reported the  
16 domestic violence situation correctly and you said that you did  
17 but you did not want anything to happen to your husband.

18 A. The police officer asked me if I reported it correctly?

19 Q. Correct. Officer Peterson.

20 A. Did he know that? I don't know.

21 Q. That's not my question, ma'am.

22 A. I don't understand.

23 Q. He asked you whether you reported the domestic violence  
24 incident correctly, and you told him that you did but you  
25 didn't want anything to happen to your husband.

## CROSS-EXAMINATION OF JOETTE PETE-BALDWIN

1 A. Oh, I know what you're saying now. If I reported my words  
2 to him correctly. Is that what you mean?

3 Q. I'm asking you whether you said that to him.

4 A. Yeah.

5 Q. Did you tell him that that report you made was correct but  
6 that you didn't want anything to happen to your husband?

7 A. No, I didn't tell him that that was correct. I told that  
8 I was intoxicated and that I didn't want anything to happen to  
9 my family. I expressed concern for my children, because he --

10 Q. So if he reported that, that's just simply false? What he  
11 said, it's false?

12 MR. NUMINEN: Your Honor, I'm going to object that  
13 the question is so vague the witness can't really even answer  
14 that question. If he reported that that's false? I don't  
15 think the witness even understands what "that" means.

16 THE COURT: I'll sustain the objection.

17 Q. (BY MR. LOCHNER) If he said that you told him that the  
18 report of the domestic violation -- the domestic violence  
19 situation correctly but that you didn't want anything to happen  
20 to your husband, would that be true or would that be false?

21 A. No, he never asked me that.

22 Q. Would it surprise you to learn that Dr. Joseph Jameson who  
23 treated you at Marquette General Hospital told the FBI that you  
24 didn't suffer a stroke?

25 A. It would conflict with the statements I have.



## REDIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1           MR. LOCHNER: I have nothing further, Your Honor.  
2 Thank you.

3           THE COURT: Mr. Numinen.

4           MR. NUMINEN: Thank you.

5                               REDIRECT EXAMINATION

6 BY MR. NUMINEN:

7 Q. Ms. Pete-Baldwin, Mr. Lochner asked you several times  
8 whether or not you told the FBI certain things.

9 A. Uh-huh.

10 Q. In fact, every time he asked the question he would say  
11 "You told them that" and you told them that about a fight that  
12 you think you lost and you said "I don't remember saying that."

13 A. Uh-huh.

14 Q. Is it more likely that the FBI was telling you these  
15 things to try to get you to confirm them?

16 A. Yes.

17 Q. And the fact of the matter is, you weren't in a fight with  
18 your husband that night, were you?

19 A. That's correct.

20 Q. Okay. So each time Mr. Lochner says you told them that  
21 there was a weapon, you're saying "No, they were telling me  
22 that"?

23           THE COURT: Wait, wait, wait, he didn't say you told  
24 them there wasn't a weapon.

25 Q. (BY MR. NUMINEN) Well, the questions that Mr. Lochner was

## REDIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 asking you, they were all prefaced by the phrase "You told  
2 them" such and such. Is it more likely that the FBI was  
3 telling you those things?

4 A. Yes.

5 Q. Okay. Now I want to take you to that room. You were at  
6 Marquette General Hospital, right?

7 A. Yes.

8 Q. And you had suffered a stroke, right?

9 A. Yes.

10 Q. You were unconscious for a while?

11 A. Yes.

12 Q. You came out of consciousness and you had police officers  
13 there waiting for you.

14 A. Yes.

15 Q. Right out of consciousness they started asking you  
16 questions.

17 A. Yes.

18 Q. You were blurry?

19 A. Yes.

20 Q. You were fuzzy-headed. Yes?

21 A. Yes.

22 Q. You weren't clear, right?

23 A. Correct.

24 Q. You were on pain meds?

25 A. Yes.

## REDIRECT EXAMINATION OF JOETTE PETE-BALDWIN

1 Q. And they were asking you questions about what had taken  
2 place.

3 A. Yes.

4 Q. Are you blurry, fuzzy, and on pain meds now?

5 A. No.

6 Q. Are you clear now?

7 A. Yes.

8 Q. Are you telling the truth under oath?

9 A. Yes, I am.

10 Q. You said you filed an insurance claim over your injuries  
11 in this case?

12 A. Yes.

13 Q. And in the insurance claim did you provide medical  
14 documentation?

15 A. Yes.

16 Q. And in the medical documentation does it record the fact  
17 that you had a stroke?

18 A. Yes.

19 Q. Mr. Lochner is asking you would it surprise you that  
20 Dr. Jameson is saying that you did or did not have a stroke,  
21 and you're saying that would be inconsistent with the records  
22 that you saw?

23 A. Yes.

24 Q. Is Dr. Jameson in the courtroom today? Do you see him?

25 A. I -- no.

1 Q. Okay. When the FBI and these two other gentlemen were  
2 interviewing you, were they taking notes?

3 A. I don't recall.

4 Q. Do you know if they were recording the interview?

5 A. No.

6 Q. Do you know one way or the other?

7 A. No.

8 Q. Okay. Thank you. I'm finished.

9 THE COURT: Thank you. You may step down.

10 Additional witnesses?

11 MR. NUMINEN: I don't have any further witnesses.

12 THE COURT: Proffer?

13 MR. NUMINEN: Yes. Your Honor, the -- this  
14 allegation in this --

15 THE COURT: First, proffer means do you have facts  
16 you want to present in addition to that? Not argument. I'll  
17 take argument next. Additional facts that you wish to present.

18 MR. NUMINEN: No, no additional facts I wish to  
19 present, Your Honor.

20 THE COURT: All right. Any rebuttal, Mr. Lochner?

21 MR. LOCHNER: No, other than I will proffer that  
22 Dr. Jameson said there was no indication that she had had --  
23 that Ms. Pete-Baldwin had had a stroke when he was interviewed.

24 THE COURT: All right. I'll take argument.  
25 Mr. Lochner.

1           *MR. LOCHNER:* Your Honor, it's the government's  
2 position that the defendant should be detained in this matter.  
3 He has a history of violent conduct. He has a history of  
4 violent conduct with his wife. The nature of the injuries that  
5 were sustained just don't add up. When you compare  
6 Ms. Pete-Baldwin's account of what happened, it simply doesn't  
7 add up to the injury that she suffered or how she was found and  
8 the fact that her clothing was laying on the grass in the area.  
9 And given her past history of covering up or trying to make  
10 sure her husband doesn't get in trouble, I suggest that that  
11 testimony is simply not credible.

12           The recommendation from Pretrial Services is that the  
13 defendant be detained. This is a presumption case. These  
14 involved crimes of violence. And, again, he's got a history of  
15 assaultive conduct. He's got a history of convictions for it.  
16 He's got a history of police intervention along with  
17 threatening police officers. He just simply presents too great  
18 a threat to the community to be released as we're awaiting  
19 trial in this matter. So we ask that the Court adopt the  
20 recommendation of Pretrial Services and order the defendant to  
21 be detained.

22           I would also ask that the Court impose a no-contact  
23 provision as well with either of the victims.

24           *THE COURT:* No contact with his wife?

25           *MR. LOCHNER:* Correct, Your Honor.

1           *THE COURT:* Do you have any authority for that?

2           *MR. LOCHNER:* I don't know that there's any authority  
3 to the contrary. In almost every single domestic violence-type  
4 scenario the person you're talking about is either somebody who  
5 has lived together as their partner or their spouse.

6           *THE COURT:* Not when they want to have contact with  
7 each other.

8           *MR. LOCHNER:* I don't think -- I don't know that  
9 that's true, Your Honor.

10          *THE COURT:* All right. I'm going to -- I'm going to  
11 request briefing on that. But Mr. Numinen?

12          *MR. NUMINEN:* Well, Mr. Lochner talks about a history  
13 of violent conduct. Admittedly when I look at that pretrial  
14 report there is some in the past. There's nothing -- there's  
15 recent violent conduct.

16          *THE COURT:* Wait, there's an arrest for assault,  
17 resisting an officer in 2015. There's assault with a deadly  
18 weapon in 2011 and resisting an officer. There's domestic  
19 assault in 2006. There's assault and battery in 2004 and  
20 resisting an officer. I can go farther back, but those are the  
21 records I have.

22          *MR. NUMINEN:* There are allegations. There are  
23 charges. I'm looking at convictions. Anybody can be accused  
24 of and even arrested of various things, but when I look at this  
25 report from 2000, I see those charges that the Court just

1       referenced as being dismissed.

2               There was the assault with a deadly weapon in 2011  
3       five years ago. My client was put on a delay of sentence --

4               *THE COURT:* Mr. Numinen, let me ask you, you've been  
5       practicing criminal defense for quite a while.

6               *MR. NUMINEN:* Yes.

7               *THE COURT:* Have you ever seen anybody arrested this  
8       much for assaultive behavior?

9               *MR. NUMINEN:* You know, Your Honor, in the tribal  
10      courts --

11              *THE COURT:* In Chicago.

12              *MR. NUMINEN:* On the other hand, people can be  
13      arrested, they can be charged, but it is also telling that when  
14      you look at the number of dismissals he's had, you wonder  
15      perhaps this is a person who is being targeted by various  
16      political factions from time to time.

17              In any event, I think what we need to be looking at  
18      is not what he's been accused of but what he's been convicted  
19      of.

20              *THE COURT:* No, what we have to be looking at is are  
21      there conditions I can release him on that's going to assure  
22      the safety of the community and specifically of his wife.

23              *MR. NUMINEN:* And I'm going to get to that right now  
24      because I do believe there are conditions.

25              First of all, I also think that the Court needs to

1 take into consideration the weight of the evidence against my  
2 client and the likelihood of conviction or not conviction too.  
3 That's something the Court can consider.

4 You've got an allegation of domestic violence that  
5 was first brought in tribal court. Evidence was presented in  
6 tribal court that Ms. Pete-Baldwin had suffered from a stroke.  
7 And as an offer of proof, I can tell the Court that  
8 Attorney McDonald represented my client, that evidence was  
9 produced, those charges were dismissed. As she's testified to.

10 *THE COURT:* When were they dismissed?

11 *MR. NUMINEN:* A few weeks ago.

12 *THE DEFENDANT:* On August 31st.

13 *MR. NUMINEN:* August 31st.

14 *THE COURT:* And why wouldn't that presume that they  
15 dismissed them when they knew the federal government was taking  
16 them?

17 *MR. NUMINEN:* My understanding, both from talking to  
18 Ms. McDonald and from my client and from Ms. Pete-Baldwin, they  
19 were dismissed when they produced medical evidence of a stroke.  
20 And her testimony, or the testimony that she would have given,  
21 was the pictures look bad, but those pictures are also  
22 perfectly consistent with a person who described having a  
23 stroke, just as she did. Things were going black, her arms  
24 hurt, she walked into a wall, fell over a railing, hit  
25 concrete.



1           *THE COURT:* How did her clothes get torn off?

2           *MR. NUMINEN:* As she described. Somebody in fact --  
3 in fact, I think my client reached to grab her as she was going  
4 over, she flipped over, and he's holding the clothes, and she  
5 went over the railing. There's no assault here. These -- the  
6 facts that are presented are equally consistent with a version  
7 of this she suffered a stroke, which is a traumatic event.  
8 What she said to the FBI afterwards and what she is testifying  
9 to here is consistent with that version of the event.

10           And when we look at then the conditions that would  
11 assure the two things, the safety of the community and the  
12 defendant's appearance in court, we also look back at the  
13 history and see that in the delayed sentence that he received  
14 in 2011, five years ago, he completed that delayed sentence  
15 successfully. Those charges were dismissed. In 2015, the very  
16 last incident that he had, he was put on probation, he  
17 completed the probation without any violation. The evidence  
18 before the Court right now is I believe that he's never had a  
19 failure to appear in court for a violation of any probation.  
20 And the testimony of his partner of 26 years is consistent with  
21 that.

22           They are going to leave the reservation as soon as  
23 he's released. They have a house waiting for them in  
24 Bruce Crossing. And it's the hope of Mr. Baldwin and his  
25 wife --

1           *THE COURT:* Mr. Numinen, I'll tell you right now I've  
2 got probable cause he assaulted this woman. I find her  
3 testimony incredible. I believe she's a victim of domestic  
4 violence and she's now withdrawing these charges because she  
5 wants her husband back.

6           Under the best of circumstances I will not release  
7 him to live with her. So you're going to have to come up with  
8 a different alternative.

9           *MR. NUMINEN:* The house at Bruce Crossing is  
10 available for Mr. Baldwin to move into. Mrs. Baldwin and the  
11 children are able to make other arrangements. They thought  
12 that they could go back to that house together. He could go  
13 there. And if that's not appropriate, he could get an  
14 apartment right here in Marquette County. And we would --

15           *THE COURT:* Does your client have an alcohol problem?

16           *MR. NUMINEN:* He does have an alcohol problem. I  
17 think that's pretty clear. And I think he's acknowledged that  
18 alcohol problem.

19           *THE COURT:* Does he get violent when he drinks?

20           *MR. NUMINEN:* I think he has a tendency towards that,  
21 yes.

22           *THE COURT:* Was he drinking that night?

23           *MR. NUMINEN:* He was drinking that night.

24           *THE COURT:* Go ahead.

25           *MR. NUMINEN:* As a condition of bond, Mr. Baldwin

1 obviously would be prohibited from consuming alcohol. He could  
2 be tested on a random basis by probation and supervised. He  
3 could be subject to immediate arrest in the event that there's  
4 a positive alcohol test.

5 He would agree to reside here in Marquette County so  
6 that he's immediately available to Pretrial Services and  
7 Probation. So there are conditions. There's certainly  
8 conditions that would not only ensure his reappearance in court  
9 but also be sufficient to protect the community.

10 And I'll also just say, when I look at this and I  
11 consider other cases historically that I've had -- I've had  
12 what I think are much worse situations where we've been able to  
13 have bond conditions that allow for my client's release. I  
14 think we can do the same in this case, and I'm asking the Court  
15 to grant a bond on whatever terms and conditions the Court  
16 finds necessary.

17 *THE COURT:* Tell me a little bit more about this  
18 audiotape.

19 *MR. LOCHNER:* The audio recording right here?

20 *THE COURT:* Yes.

21 *MR. LOCHNER:* Like I said, they were -- the FBI  
22 actually went over on the 13th of August, which was one day  
23 after Ms. Pete-Baldwin had regained consciousness, and they met  
24 with her and spoke to her for about 35 minutes or so. And as I  
25 said, I proffered essentially what the conversation was during

1 the course of that conversation they had. I would certainly  
2 make the CD available for the Court's review, for Mr. Numinen's  
3 review.

4 *THE COURT:* I would like you to make it available for  
5 Mr. Numinen's review and for the Court's review. I want to  
6 listen to it, and then I want to give Mr. Numinen an  
7 opportunity to comment on it.

8 When do you think you can get that done?

9 *MR. LOCHNER:* I'm sure I can make a copy of it and  
10 deliver a copy of that over to Mr. Numinen by tomorrow,  
11 Your Honor.

12 *THE COURT:* Can you get a transcription?

13 *MR. LOCHNER:* I might be able to, but that would take  
14 a little bit longer to do. I can't make that estimate because  
15 I wouldn't be the person preparing it. I would be happy to try  
16 to have one prepared, Your Honor.

17 *THE COURT:* Mr. Numinen, I want you to have an  
18 opportunity to listen to this, I want to listen to this, and I  
19 want to give you an opportunity to respond, so I'm going to  
20 leave this in your court. You're going to tell me when you're  
21 ready to file a response. Your client is going to stay in jail  
22 until that time.

23 *MR. NUMINEN:* Okay. Thank you.

24 *THE COURT:* Any other matters for the Court?

25 *MR. LOCHNER:* Not at this time, Your Honor.

1           *THE COURT:* We'll be adjourned.

2           *THE CLERK:* All rise, please. Court is adjourned.

3           *(Proceeding concluded at 3:09 p.m.)*

4                   \*   \*   \*   \*   \*

5                   CERTIFICATE

6                   I certify that the foregoing is a transcript from the  
7           Liberty Court Recording System digital recording of the  
8           proceedings in the above-entitled matter, transcribed to the  
9           best of my ability.

10                  I further certify that the transcript fees and format  
11           comply with those prescribed by the court and the Judicial  
12           Conference of the United States.

13  
14           January 17, 2017

15  
16                               /s/ Glenda Trexler  
17                               Glenda Trexler, CSR-1436, RPR, CRR  
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